

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	Case No. 14-50365
Jeremy Allen Sanders	:	Chapter 13 (Judge Preston)
Dana Brooke Sanders	:	
Debtors	:	

MOTION TO MODIFY CHAPTER 13 PLAN POST-CONFIRMATION

Come now Debtors, by counsel, who hereby move the Court for an Order modifying the Chapter 13 Plan to provide for payment of Claim No. 14 of State Farm Credit Union pursuant to 11 U.S.C. § 506. Accordingly, Debtors request that the Plan be modified to provide for payment of Claim No. 14, which was filed after the confirmation of Debtors' Plan, as follows: \$4,397.33 as secured at 2.49% interest, and \$9,353.68 as general unsecured. Debtors' plan payment would remain unchanged. The dividend paid to unsecured creditors shall remain fifteen percent (15%). This Motion is made pursuant to 11 U.S.C. § 1329(a), Federal Rule of Bankruptcy Procedure §3015(g) and LBR § 3015-2.

MEMORANDUM IN SUPPORT OF THE MOTION

The Debtors filed for Chapter 13 Bankruptcy relief on January 23, 2014 and the Chapter 13 Plan was confirmed on April 25, 2014. The Debtors' Plan calls for payments of \$1,548.00 for twelve (12) months, then \$1,800.00 for twelve (12) months, then \$1,900.00 for twelve (12) months, then \$2,100.00 for the remainder of the Plan, and a dividend payable to unsecured creditors of fifteen percent (15%). The Plan has not been previously modified.

Since the plan was confirmed, a significant change in circumstances has occurred that requires modification of Debtors' Plan. Following confirmation of Debtors' Plan, State Farm Credit Union filed Claim No. 14 on May 21, 2014, which asserted a total claim of \$13,751.01, of which \$4,397.33 was claimed as secured by Debtors' 1999 Dodge Ram, and \$9,353.68 was

claimed as unsecured. The contract rate of interest claimed for the secured portion of State Farm Credit Union's claim was 2.49%. Through their confirmed Plan, Debtors' anticipated that State Farm Credit Union would file a secured claim for \$2,095.00 to which 11 U.S.C. § 506 would not apply (Doc. No. 22). However, since State Farm Credit Union has filed a claim which includes a number of "Loanliner" signature loans which are cross-collateralized by Debtors' 1999 Dodge Ram that was purchased in September 2012, Debtors respectfully submit that Claim No. 14 should be paid as it was filed by Creditor, and pursuant to 11 U.S.C. § 506. This modification is also necessary to insure that Debtors' Chapter 13 Plan completes within 60 months. Accordingly, Debtors' hereby request that their Plan be modified to provide for payment of Claim No. 14 as follows: \$4,397.33 as secured at 2.49% interest, and \$9,353.68 as general unsecured.

The proposed modification would leave Debtors' plan payments unchanged. The dividend paid to unsecured creditors would also remain unchanged at fifteen (15%). As modified, the plan meets the best interests of the creditors, represents the Debtors' best effort under the current situation, and insures that Debtors' Chapter 13 Plan completes within 60 months.

Amended Schedules I and J will be filed separate from this Motion.

WHEREFORE, the Debtors respectfully move the Court **GRANT** the Debtors' Motion to Modify Chapter 13 Plan Post-confirmation as set forth herein.

Respectfully submitted,

/s/ Marshall D. Cohen
Marshall D. Cohen, Case Attorney (0044066)
1303 Olentangy River Road, Suite 201
Columbus, Ohio 43212
(614) 294-5040, Fax (614) 291-5006
notice@financialdignity.com

21 DAY NOTICE AND CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following registered ECF participants, electronically through the Court's transmission facilities at their e-mail addresses registered with the Court, or by U.S. Mail, postage prepaid to the parties listed below on September 30, 2014, as well as Notice that the undersigned will present to the Court a proposed order granting the request sought unless, within twenty one (21) days after this date, a written memorandum in opposition along with a request for a hearing are filed with the Court and served on the undersigned.

Electronic Service:

Asst US Trustee (Col) ustpreregion09.cb.ecf@usdoj.gov
Edward J Boll sohbk@lsrlaw.com
Marshall D Cohen mcohen@financialdignity.com
Brian M Gianangeli bgianangeli@mifsudlaw.com
Frank M Pees trustee@ch13.org
Douglas A. Stephan das@meyerkerschner.com

U.S. Mail Service:

Jeremy Allen and Dana Brooke Sanders |1245 Foor Boulevard|Pataskala, OH 43062-8079
American InfoSource LP as agent for |Midland Funding LLC|PO Box 268941|Oklahoma City
OK 731268941
Asset Acceptance LLC |Po Box 2036|Warren MI 48090-2036
Attorney Bethany Sutting |Lerner Sampson & Rothfuss|PO Box 5480|Cincinnati, OH 45201-
5480
Attorney Christopher J. Siegel |778 Avon Fields Lane|Cincinnati, OH 45229-1511
Attorney Donald Mausar |323 West Lakeside Avenue|Suite 200|Cleveland, OH 44113-1009
CACH, LLC |4340 S. Monaco Street|2nd Floor|Denver, CO 80237-3485
CACH, LLC, |c/o Weltman, Weinberg & Reis|323 W. Lakeside Avenue, Ste 200|Cleveland, OH
44113-1009
Cach LLC |Attention: Bankruptcy|4340 South Monaco Street, 2nd Floor|Denver, CO 80237-
3485
Cach LLC |c/o CT. Corp. System S/A|1300 E. Ninth Street, Suite 1010|Cleveland, OH 44114-
1506
Capital One Bank |Attn: Bankruptcy Department|PO Box 30285|Salt Lake City, UT 84130-0285
Capital One NA |c/o Becket and Lee LLP|POB 3001|Malvern PA 19355-0701
Capital One/Best Buy |PO Box 30253|Salt Lake City, UT 84130-0253
Columbus Obstetricians-Gyn |750 Mt. Carmel Mall|Suite 100|Columbus, OH 43222-1574
Commodore Bank |100 East Main Street|Somerset, OH 43783-9444
Computer Collections |640 West Fourth Street|Winston Salem, NC 27101-2730
Credit Collections Services |PO Box 773|Needham, MA 02494-0918
Credit Management LP |4200 International|Carrollton, TX 75007-1912
Dennis Dove |Assistant Prosecuting Attorney|P.O. Box 830|Newark, OH 43058-0830
Dept Of Education/neln |121 S 13th St|Lincoln, NE 68508-1904
First Data |1307 Walt Whitman Road|Melville, NY 11747-4819
Home Equity Bank |10000 Louis Rose Place|Charlotte, NC 28262

JPGG Pataskala LTD |88 South Second Street|Newark, OH 43055-5417
JPMorgan Chase Bank NA |3415 Vision Drive|Columbus, OH 43219-6009
JPMorgan Chase Bank, N.A. |Chase Records Center|700 Kansas Lane|Monroe, LA 71203-4774
JS & Associates Appraisal Services, LLC |P.O. Box 29637|Columbus, OH 43229-0637
Kohls/Capital One |N56 West 17000 Ridgewood Drive|Menomonee Falls, WI 53051
Legacy Estate HOA |c/o Sandi Crnko|5550 Blazer Parkway #175|Dublin, OH 43017-3495
Licking County Clerk of Courts |877 E. Main Street|Newark, OH 43055-6936
Licking County Treasurer |P.O. Box 830|Newark, OH 43058-0830
Midland Funding |8875 Aero Drive, Suite 200|San Diego, CA 92123-2255
Mount Carmel Health |Corporate Service Center|Customer Service, 2nd Floor|6150 E. Broad Street|Columbus, OH 43213-1574
Mt. Carmel Health |P.O. Box 89458|Cleveland, OH 44101-6458
National Service Bureau |18912 North Creek Parkway|Suite 205|Bothell, WA 98011-8016
Nationwide Children's Hospital |700 Children's Drive|Columbus, OH 43205-2639
Ohio Attorney General |Collections Enforcement Section|150 East Gay Street, 21st Floor|Columbus, OH 43215-3191
Ohio Department of Taxation |Bankruptcy Division|P.O. Box 530|Columbus, OH 43216-0530
Ohio Dept. of Taxation |Attn: Bankruptcy Division|P.O. Box 530|Columbus, OH 43216-0530
Ohio Dept. of Taxation |Bankruptcy Division|30 E. Broad St., 23rd Floor|Columbus, OH 43215-3414
Ohio Dept. of Taxation |Compliance Division|P.O. Box 1090|Columbus, OH 43216-1090
Ohio Dept. of Taxation |Compliance Division|P.O. Box 182402|Columbus, OH 43218-2402
Ohio Treasurer of State |P.O. Box 165009|Columbus, OH 43216-5009
PCB |P.O. Box 29917|Columbus, OH 43229-7517
Pediatric Academic Association |P.O. Box 182976|Columbus, OH 43218-2976
PORTFOLIO RECOVERY ASSOCIATES LLC|PO BOX 41067|NORFOLK VA 23541-1067
RITA |ATTN: LEGAL DEPT.|PO BOX 470537|BROADVIEW HEIGHTS, OH 44147-0537
REGIONAL INCOME TAX AGENCY|PO BOX 470537|ATTENTION LEGAL DEPARTMENT|BROADVIEW HEIGHTS OH 44147-0537
Sears/CBNA |PO Box 6282|Sioux Falls, SD 57117-6282
State Farm Federal Credit Union |1 State Farm Plaza|Bloomington, IL 61710-0001
State Farm Federal Credit Union |1440 Granville Rd.|Newark, Ohio 43093-0001
Sweet Bliss Goodie Boutique LLC |724 Corylus Dr.|Pataskala, OH 43062-7625
Trident Asset Management |5755 Northpoint Parkway|Alpharetta, GA 30022-1136
US Department of Education |c/o Nelnet|3015 South Parker Road, Suite 400|Aurora, CO 80014-2904
United Collection Bureau |5620 Southwyck Boulevard|Toledo, OH 43614-1501
Washington Mutual Bank |75 North Fairway Dr.|Vernon Hills, IL 60061-1846

/s/ Marshall D. Cohen

Marshall D. Cohen, Case Attorney (0044066)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: : Case No. 14-50365
Jeremy Allen Sanders : Chapter 13 (Judge Preston)
Dana Brooke Sanders :
Debtors :

NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN POST-CONFIRMATION

The Debtors have filed papers with the Court: Motion to Modify Chapter 13 Plan Post-Confirmation ("Pleading").

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney you may wish to consult one.)

If you do not want the court to change your status or if you want the court to consider your views on the Pleading, on or before twenty one (21) days from the service date of the Pleading you or your attorney must:

File with the court a response to the Pleading and serve a copy as directed by the notice not later than twenty one (21) days after service of the Pleading at:

U.S. Bankruptcy Court, Clerks Office, 170 N. High Street, Columbus OH 43215

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it before the date stated above.

You must also mail a copy to:

Jeremy & Dana Sanders, 1245 Foor Boulevard, Pataskala, OH 43062
Marshall D. Cohen, Esq., 1303 Olentangy River Road. Suite 201, Columbus, OH 43212
Frank M. Pees, Chapter 13 Trustee, 130 E Wilson Bridge Rd, Ste 200, Worthington, OH 43085

Office of the U.S. Trustee, 170 North High Street, #200, Columbus, OH 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Pleading and may enter an order granting relief.

Date: September 30, 2014

/s/ Marshall D. Cohen

Marshall D. Cohen, Case Attorney (0044066)
1303 Olentangy River Road, Suite 201
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